

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EDWARD MENDOZA, JR.,

Plaintiff,

v.

No. CIV-15-0400 MCA/LAM

**THE CITY OF CARLSBAD; THE CARLSBAD
POLICE DEPARTMENT; DANIEL F. FIERRO,
RORY J. CASTANEDA and BRAD S. RODRIGUEZ,**

Defendants.

**ORDER GRANTING DEFENDANTS’
MOTION TO STAY DISCOVERY [Doc. 29]**

THIS MATTER is before the Court on *Defendants’ Motion to Stay Discovery and Memorandum of Law in Support Thereof* (Doc. 29), filed on October 29, 2014. Defendants ask the Court to stay discovery in this case pending resolution of Defendants’ motion to dismiss and for qualified immunity [Doc. 26]. *See* [Doc. 29 at 3]. At a telephonic status conference held in this case on November 18, 2015, at which counsel for both parties were present, counsel for Plaintiff stated that he no longer opposes the relief sought in the motion to stay discovery. Having considered the motion, the record in this case, counsel’s statements at the November 18, 2015 telephonic status conference, and relevant law, the Court **FINDS** that Defendants’ motion is well-taken, especially since Defendants are generally entitled to a stay of discovery once a motion to dismiss or for summary judgment based on qualified immunity is filed. *See Jiron v. City of Lakewood*, 392 F.3d 410, 414 (10th Cir. 2004), and *Workman v. Jordan*, 958 F.2d 332, 336 (10th Cir. 1992) (“[W]e reiterate that qualified immunity is not only a defense to liability but also

entitlement to immunity from suit and other demands of litigation.”) (*citing Siegert v. Gilley*, 500 U.S. 226, 231 (1991)). Therefore, the motion shall be **GRANTED**.

IT IS THEREFORE ORDERED that *Defendants’ Motion to Stay Discovery and Memorandum of Law in Support Thereof* (Doc. 29) is hereby **GRANTED** and discovery is stayed pending a ruling on Defendants’ motion to dismiss and for qualified immunity [Doc. 26].

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE